

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. In § 185.5375, the table in paragraph (a) is amended by adding entries for prunes, and soybean, hulls to read as follows:

§ 185.5375 Sulfonium, trimethyl-salt with N-(phosphonomethyl)glycine (1:1).

(a) * * *

Commodities	Parts per million
Prunes, (of which no more than 0.05 ppm is trimethylsulfonium)	0.2
* * *	*
Soybean, hulls (of which no more than 2 ppm is trimethylsulfonium)	7.0
* * *	*
* * *	*

[FR Doc. 96-8945 Filed 4-9-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Parts 180 and 186

[PP 1F3973, PP 4F4345, FAP 1H5611 and 4H5693/R2227; FRL-5361-9]

RIN 2070-AB78

Avermectin B₁ and Its Delta-8,9-Isomer; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes tolerances for combined residues of the insecticide Avermectin B₁ and its delta-8,9-isomer in or on the raw agricultural commodities (RACs) almonds, apples, and walnuts; and in or on processed feed items apples, wet pomace and almonds, hulls. The regulation to establish a maximum permissible level for residues of the insecticide was requested in a petition submitted by the Merck Research Laboratories, Division of Merck Co., Inc.

EFFECTIVE DATE: This regulation becomes effective April 10, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket number, [PP 1F3973, PP 4F4345, FAP 1H5611 and 4H5693/R], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC

20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

Copies of electronic objections and hearing requests must be submitted as a ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disk in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 1F3973, PP 4F4345, FAP 1H5611 and 4H5693/R]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: George LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305-6100; e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices published in the Federal Register of May 29, 1991 (56 FR 24189) and July 13, 1994 (59 FR 35720), which announced that Merck Research Laboratories had submitted pesticide petitions (PPs) 1F3973 and 4F4345 to EPA requesting the that Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR 180.449 by establishing tolerances for the combined residues of the insecticide avermectin B₁ and its delta-8,9-isomer,

in or on the RACs almonds at 0.005 parts per million (ppm); apples at 0.02 ppm; and walnuts at 0.005 ppm. In the same notices, Merck Research Laboratories submitted feed additive petitions (FAPs) 1H5611 and 4H5693 requesting that the Administrator, pursuant to section 409(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 348(b), amend 40 CFR 186.300 by establishing a feed additive regulations for the combined residues of the insecticide avermectin B₁ and its delta-8,9-isomer, in or on processed feed commodities apples, wet pomace at 0.10 ppm and almonds, hulls at 0.10 ppm.

There were no comments received in response to the notice of filing.

The data submitted in support of this tolerance and other relevant material have been reviewed. The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of this tolerance are discussed in detail in related documents published in the Federal Register of May 31, 1989 (54 FR 23209) on cottonseed, and August 2, 1989 (54 FR 31836) on citrus.

The Agency used a two-generation rat reproduction study with an uncertainty factor of 300 to establish a Reference Dose (RfD). The 300-fold uncertainty factor was utilized for (1) inter- and intra-species differences, (2) the extremely serious nature (pup death) observed in the reproduction study, (3) maternal toxicity (lethality) no-observable-effect level (NOEL) (0.05 mg/kg/day), and (4) cleft palate in the mouse developmental toxicity study with isomer (NOEL = 0.06 mg/kg/day). Thus, based on a NOEL of 0.12 mg/kg/day from the two-generation rat reproduction and an uncertainty factor of 300, the RfD is 0.0004 mg/kg body weight(bwt)/day.

A chronic dietary exposure/risk assessment has been performed for avermectin B₁ using the above RfD. Available information on anticipated residues and 100% crop treated was incorporated into the analysis to estimate the Anticipated Residue Contribution (ARC). The ARC is generally considered a more realistic estimate than an estimate based on the tolerance-level residues. The ARC for established tolerances and the current actions are estimated at 0.000017 mg/kg bwt/day and utilizes 4.3% of the RfD for the U.S. population. For non-nursing infants less than 1 year old (the subgroup population with the highest exposure level) the ARC for established tolerances and the current actions are estimated at 0.000040 mg/kg bwt/day and utilizes 10.0% of the RfD. Generally

speaking, the Agency has no cause for concern if anticipated residues contribution for all published and proposed tolerances is less than the RfD.

Because of the developmental effects seen in animal studies, the Agency used the mouse teratology study (with a NOEL of 0.06 mg/kg/day for developmental toxicity for the delta-8,9-isomer) to assess acute dietary exposure and determine a margin of exposure (MOE) for the overall U.S. population and certain subgroups. Since the toxicological end point pertains to developmental toxicity, the population group of interest for this analysis is women aged 13 and above, the subgroup which most closely approximates women of child bearing ages. The MOE is calculated as the ratio of the NOEL to the exposure. For this analysis, the Agency calculated the MOE for the high-end exposures for women ages 13 and above. The MOE is 500. Generally speaking, MOEs greater than 100 for developmental toxicity do not raise concerns.

The metabolism of the chemical in plants and animals for these uses are adequately understood. Any secondary residues occurring in meat, meat-byproducts of cattle or milk will be covered by existing tolerances for those commodities. There is no reasonable expectation of finite residues in poultry and swine, therefore no tolerances are necessary at this time. Adequate analytical methodology (HPLC-Fluorescence Methods) is available for enforcement purposes. Prior to publication in the *Pesticide Analytical Manual*, Vol II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from Calvin Furlow, Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson-Davis Hwy., Arlington, VA 22202, (703) 305-5232.

The tolerances established by amending 40 CFR parts 180 and 186 will be adequate to cover residues in or on almonds, apples and walnuts. There are presently no actions pending against the continued registration of this chemical.

The pesticide is considered useful for the purpose for which the tolerances are sought and capable of achieving its physical or technical effect.

Based on the information and data considered, the Agency has determined that the tolerance established by

amending 40 CFR part 180 would protect the public health, and that the establishment of a feed additive regulation by amending 40 CFR part 186 would be safe. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections.

Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under the docket number [PP 1F3973, PP 4F4345, FAP 1H5611 and 4H5693/R] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will

transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rule-making record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects

40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

40 CFR Part 186

Animal feeds, Pesticides and pests.

Dated: March 29, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, chapter I of title 40 Code of Federal Regulations is amended as follows:

1. In part 180:

PART 180—[AMENDED]

a. The authority citation of part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In § 180.449, the table in paragraph (b) is amended by adding alphabetically entries for the commodities almonds, apples and walnuts to read as follows:

§ 180.449 Avermectin B₁ and its delta-8,9-isomer; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
Almonds	0.005
Apples	0.020
* * * * *	*
Walnuts	0.005

2. In part 186:

PART 186—[AMENDED]

a. The authority citation of part 186 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. In § 186.300 the table in paragraph (b) is amended by adding alphabetically entries for the commodities almonds, hulls; and apples, wet pomace to read as follows:

§ 186.300 Avermectin B₁ and its delta-8,9-isomer; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
Almonds, hulls	0.10
Apples, wet pomace	0.10
* * * * *	*

[FR Doc. 96-8944 Filed 4-9-96; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-5454-1]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Folkertsma Refuse Site Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Folkertsma Refuse site in Michigan from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended.

This action is being taken by EPA and the State of Michigan, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Michigan have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: April 10, 1996.

FOR FURTHER INFORMATION CONTACT: Karen Sikora at (312) 886-1843 (SR-6J), Remedial Project Manager or Gladys Beard at (312) 886-7253, Associate Remedial Project Manager, Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Kent County Public Library, 4293 Remembrance N. W., Walker, Michigan, 49554. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Folkertsma Refuse Site located in Walker, Michigan.

A Notice of Intent to Delete for this site was published January 29, 1996 (61 FR 2772). The closing date for comments on the Notice of Intent to Delete was February 29, 1996. EPA received comments and therefore has prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: March 26, 1996.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site “Folkertsma Refuse Site, Walker, Michigan”.

[FR Doc. 96-8663 Filed 4-9-96; 8:45 am]

BILLING CODE 6560-50-P